

## II. Remarks

Claims 1, 3, 8-18, 20 and 22-44 are pending and rejected. Applicants sincerely thank Examiner Lang for the telephonic interview conducted on March 19, 2009. Based on discussions during the case interview, claims 1, 40, and 44 have been amended. With the amendments and remarks provided herewith, Applicants respectfully request reconsideration and withdrawal of all rejections. Support for the above amendments is found in Applicants' specification as originally filed.

More specifically, claims 1, 40, and 44 have been amended to more clearly define the releasable attachment between the filter and the stent. Support for the above amendments may be found in Figs. 3-19, and paragraphs [0040], [0042], [0045], [0051], [0054]-[0064] of the Applicants' specification as originally filed. Thus, no new matter has been added.

### Rejections Under 35 U.S.C. § 103

Responsive to the rejections of claims 1, 3, 8-18, 22-40, and 44 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. 2002/0116024 to Goldberg ("*Goldberg*") in view of U.S. Pat. No. 6,342,063 to DeVries ("*DeVries*"), the combination of these references fails to render these claims unpatentable because these references, even in combination, fail to teach each and every element of the claimed invention.

For example, claims 1, 40, and 44 recite "a first attachment member separate from, but attached to" at least one of the plurality of divergent legs of the filter, "a second attachment member separate from, but attached to the stent, the first and

second attachment members being separate from, but attachable to one another to releasably attach the filter to the stent.”

Contrarily, the Examiner has acknowledged that *Goldberg* fails to teach separate attachment members that connect to attach the filter and the stent. The Examiner uses the link 40 of *DeVries* to teach such limitations, stating that the portion of the link 40 that connects to the anchor is the filter attachment means (or second attachment member) and that the portion of the link 40 that connects to the filter is the stent attachment means (or first attachment member) and that the filter and stent attachment means (or members) are separate since they each comprise a different interference fit on different sides of the link 40. The Examiner further stated during the case interview that the link 40 could be resorbed in the body and thus, the filter and stent attachment means of the link 40 could be severed and are therefore separate.

However, even if the link 40 in *DeVries* is severable to separate the first and second bores 42, 44, the bores 42, 44 are not capable of attaching to one another and thus *DeVries* fails to teach or suggest first and second attachment members “separate from, but attachable to one another to releasably attach the filter to the stent” as recited in claims 1, 40, and 44. Accordingly, *Goldberg* does not teach or suggest each and every element of the claimed invention and *DeVries* fails to cure the deficiencies of *Goldberg*. Thus, the combination of these references fails to teach or suggest each and every element of the invention as claimed in currently amended independent claims 1, 40, and 44

Claims 3, 8-18, 20, and 22-39 depend generally from claim 1. Thus, claims 3, 8-18, 20, and 22-39 are allowable for at least the reasons provided above.

Conclusion

Thus, the Applicants believe that claims 1, 3, 8-18, 20, 22-40, and 44 are in a condition for allowance and such action is respectfully requested.

Respectfully submitted,

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Date

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